

**TOWN OF DUDLEY
ANNUAL SPRING TOWN MEETING
MAY 24, 2010**

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Shepherd Hill High School Auditorium on Monday, May 24, 2010. The Town Moderator called the meeting to order at 7:10 p.m. After the Pledge of Allegiance to the Flag, the Town Clerk read the warrant. The following action was taken.

The Moderator made announcements regarding proper decorum of addressing voters at the town meeting and then recognized FAA Chairman David Gould.

Chairman Gould informed the voters that the State had decreased the town's revenues by 4% and that reflected a reduction in local aid by approximately \$66,000.00. He stated that the town's overall budget for FY 2011 is \$13,064,606.02 including the school budget and we should have a balanced budget by the end of the evening's meeting. The budget maintains current staffing levels, provides for a 2% cost of living increase and provides for the town beach to be open with lifeguards. The Town will rely on free cash and funding transfers to provide the balanced budget. He continued by saying that as time goes on it becomes increasingly difficult to maintain the current staffing levels because of the decline in revenues. The Town faces two major problems in the coming year. First, the stimulus funds will disappear at the end of FY 2011; this amounts to 1.5 billion dollars out of the State's budget. The second more costly problem comes in the form of two referendum items that voters will find on the November ballot. Both of these items deal with reducing the sales tax from 6.35% to 3%. Even though this sounds like a great deal, if this passes the State will lose 3.5 billion dollars in their budget. Between the stimulus and the sales tax, the State could have a budget cut of 4 billion dollars. The voters will hear much more about this in the press as times goes on. In fact the front page of the Telegram had an article about this very same subject in the morning paper. At this town meeting it was hoped that the voters would pass over all money articles until the Fall town meeting when the Town would have a better idea of what our free cash would be.

ARTICLE 1: Unanimously accepted to receive the reports of several Town Officers and all Committees.

ARTICLE 2: As declared by the Moderator it was accepted by majority vote to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

ARTICLE 3: Unanimously accepted to transfer the sum of Twelve Thousand Dollars (\$12,000.00) from the Road Machinery Fund (406-000-5780-00) account to the Machinery Maintenance Account (1-420-5430-02) for fiscal year 2011.

A motion was made by Selectman Paul Joseph regarding Article 4 to allow the Moderator to read only the names and amounts of the funds. The motion was seconded and was accepted unanimously.

ARTICLE 4: Unanimously accepted to establish and authorize for the next fiscal year revolving funds established pursuant to the provisions of Chapter 44, §53E ½ of the Massachusetts General Laws for the following purposes:

Genealogical Research Revolving Fund. (Account No. 0911 000 5780 00) for the purpose of accepting receipts from researching genealogical records. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for restoration of Town Clerk records. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expense not to exceed three thousand (\$3,000) dollars.

Composting Bins /Rain Buckets. (Account No. 0914 000 5780 00) for the purpose of accepting receipts from the sale of Composting Bin & Rain Buckets. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for Composting Bins/Rain Buckets program. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expense not to exceed seven thousand five hundred (\$7,500) dollars.

Police Detail Cruiser Use Revolving Fund. (Account No. 0912 000 5780 00) for the purpose of accepting receipts from the use of police vehicles during private police details. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for purchasing Police vehicles. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expense not to exceed fifty thousand (\$50,000) dollars.

Fire Code Violation Fund (Account No. 0913 000 5780 00) for the purpose of accepting fines from fire code & building code violations under Chapter 148A. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned Massachusetts General Law Chapter 148A. Total expense not to exceed seven thousand five hundred (\$7,500) dollars.

Gift Shop Revolving Fund for the purpose of accepting receipts from the sale of shirts and other Town of Dudley logo goods. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$2,000 (two thousand dollars).

West Main Street Donations / Court of Honor / Veteran's Bricks for the purpose of accepting receipts from the sale of memorial bricks and gifts. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$6,000 (six thousand dollars).

Web Site Fees for the purpose of accepting receipts from the sale of advertising on the Town of Dudley's website. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$3,000 (three thousand dollars).

Arrest Warrant Services for the purposes of accepting proceeds from warrant service recall fees from the appropriate Massachusetts Court. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to off set costs associated with investigation, apprehension, processing, holding and transportation of warrant service arrestees, but in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$5,000 (five thousand dollars).

Firearms Permit Services for the purposes of accepting fees associated with the issuance of firearm identification cards, licenses to carry firearms, or other similar licenses. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with the processing of permits and purchase of equipment necessary to carry out this function, but in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$5,000 (five thousand dollars).

Fire Outside Detail for the purposes of accepting fees associated with the fire departments personnel working at outside details. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with providing outside details and purchase of equipment necessary to carry out this function, but in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$15,000 (fifteen thousand dollars).

Board of Health-Education for the purposes of accepting fees associated with the health department's educational training programs. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with providing educational training necessary to carry out this function, but in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$1,000 (one thousand dollars).

Gas Inspector, Fuel Burner Inspector, Plumbing Inspector and Wire Inspector. The funds to be deposited into these separate and respective accounts shall be seventy percent (70%) of the fees charged for the separate and respective Inspectors' services. The separate and respective Inspectors shall authorize all expenditures of funds from these accounts, without further appropriation, provided that the amount to be expended in the fiscal year 2010 shall not exceed \$20,000 per revolving account established unless both the Board of Selectmen and Finance Appropriation Advisory Committee recommend such additional amounts. Funds to be used for inspectors' salaries and expenses.

Spay & Neuter Program for the purposes of accepting fees associated with the spay & neuter program. Said funds to be received by the Town Clerk and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with providing the spay & neuter to carry out this function, but in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed \$5,000 (Five Thousand dollars).

DEPARTMENT	FY 2011 EXPENDITURES
GENERAL GOVERNMENT	
Accountant, Town	54,982
Board of Assessors	85,296
Building Inspector	49,155
Building & Grounds	133,846
Cemetery Commission	600
Clerk, Town	81,400
Collector, Town	86,486
Conservation Commission	6,867
Council on Aging	550
Dog Officer	10,808

Emergency Management	1,200
Finance Appropriation Advisory Committee	15,600
Fire	703,292
Board of Health	44,671
Highway	582,576
Historical Commission	1,650
Historical District Study Committee	1,850
Informational Technology	10,982
Inspectors	2,900
Library	185,786
Moderator	325
Municipal Expenses	151,350
Parks & Recreation	13,250
Personnel Board	480
Planning Board	49,879
Police	1,221,297
Recycling	143,082
Rail Trail (\$150.00 line item within Parks & Recreation)	0
Board of Selectmen	152,138
Town Administrator	83,330
Treasurer	2,714,893
Tree Warden	3,228
Veterans Services	49,890
Zoning Board of Appeals	3,728
Total General Government	6,647,367
EDUCATION	
Dudley-Charlton Regional School District	6,049,346
So. Worcester County Regional Vocation	367,893
Total Education	6,417,239
Total Municipal Government	13,064,606
ENTERPRISE SERVICES	
Sewer Commission (Funding Source: User Fees)	1,177,638.19
Water Commission (Funding Source: User Fees)	1,082,812.55
Total Enterprise	2,260,450.74
ASSESSMENTS	
State Assessments	(25,259.00)
Snow/Ice Deficit	(34,654.00)

Total Assessments	(59,913.00)
Source of Funding:	
Tax Levy	7,024,555
2 ½ Increase	175,614
Debt Exclusions – Town	1,084,088.84
Debt Exclusions – School	753,421
Cherry Sheet Aid	1,651,968
Local Receipts Estimated	2,138,283.63
Free Cash	219,362.03
MTBE (Revenue Received)	23,226.52
Computer Software Account 001 969 5806 00	24,000
Total	13,124,519.02
Less Assessments	(59,913.00)
Total Funding	13,064,606.02

ARTICLE 7: Passed Over For Further Information by unanimous vote to see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and the Dudley Police Association - Dispatch Unit for Fiscal Years 2010 – 2011.

ARTICLE 8: Passed Over For Further Information by unanimous vote to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of Twenty Three Thousand Dollars (\$ 23,000) to fund one third (1/3) of the cost of triennial re-certification of real estate and personal property values for FY2012 as required by the Commonwealth’s Department of Revenue.

ARTICLE 9: Passed Over For Further Information by unanimous vote to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of Five Hundred Dollars (\$ 500) from Free Cash to the Other Post Employment Benefits Trust.

The FAA recommended that Article 10 be passed over for further information. The Moderator recognized Fire Chief Phelps. Chief Phelps stated that the ambulance in question was 13 years old and had broken down numerous times. The average life expectancy of an ambulance is 10 years. In addition, although it is not a safety issue at this time, the frame of the vehicle is compromised. This increases the use of the newer ambulance which will in turn wear out quicker than the expected ten years.

The following persons spoke in favor of Article 10: Paul Konieczny, Scott Zajkowski and Brian Ceccarelli. Steven Sullivan and Peter Fox were in favor of staying with the Capitol Improvement plan

as previously discussed with the Fire Chief and paying cash in the future rather than borrowing the money for the ambulance.

ARTICLE 10: Passed Over For Further Information by unanimous vote to see if the Town will raise and appropriate, borrow, or transfer from available funds the sum of One Hundred Ninety Thousand Dollars (\$ 190,000) for the purchase of a Class One Type Three Emergency Response Ambulance, to include replacement stretcher and radios.

The FAA recommended that Article 11 be passed over for further information. Discussion from both sides of the issue ensued. It was pointed out by several voters that the general consensus during the discussion of Article 10 was that if the borrowing was not approved, Article 11 would be approved.

The Town Clerk asked to move the question; it was seconded. As declared by the Moderator the motion to pass over for further information was defeated by a by a 2/3 majority.

As declared by the Moderator the motion to pass Article 11 over for further information was defeated by majority vote.

Selectman Steven Sullivan made a motion to approve Article 11 as written; the motion was seconded.

Article 11: As declared by the Moderator, it was accepted by majority vote to authorize Five Percent (5%) of all ambulance & EMS fees collected be appropriated to the “Ambulance Receipts Reserve for Appropriation” account for the purchase of ambulance and associated equipment beginning 7/1/2010.

ARTICLE 12: Passed Over For Further Information by majority vote to see if the Town will vote to appropriate, raise, borrow, or transfer the sum of One Thousand Five Hundred Dollars (\$ 1, 500) for Archival Preservation and/or restoration.

The Moderator announced that the hand out for Article 13 was a revised version that corrected scrivener’s errors and asked that the voters use that copy. The Moderator asked for unanimous consent to read the first paragraph of the revised version and to dispense with the reading of the remainder of the article. Seeing no objection, it was so moved.

ARTICLE 13: As declared by the Moderator, it was accepted as written in the revised version by a majority vote to authorize the Board of Selectmen to dispose, sell or transfer a parcel of real property located off of the westerly side of Center Road in the Town of Dudley, County of Worcester, and Commonwealth of Massachusetts identified on the Board of Assessor’s Tax Map as Map 222, Lot 122 and further identified as a parcel of land entitled “Plan of Land in Dudley, Massachusetts The Inhabitants of the Town of Dudley, 71 Main Street, Dudley, Massachusetts 01571” dated 2010 and prepared by BC Engineering and Surveying, Inc. and recorded in the Worcester District Registry of Deeds (the “Registry”), being more particularly bounded containing approximately 0.19 acres (8,399.2 square feet) more or less and described as follows:

Beginning at the Southeasterly corner of the herein described premises at land now or formerly of Nichols College shown as Parcel 2 on a plan recorded in the Registry in Plan Book 751, Plan 41;

BEGINNING at a point at the northeast corner of tract herein described, said point also being the southwest corner of First Congregational Church of Dudley Deed Book 3111, Page 476;

THENCE S 16° 15' 24" W along land of now or formerly Nichols College land a distance of one hundred thirty and thirty eight hundredths (130.38) feet to a point;

THENCE S 88° 56' 44" W along land of now or formerly Nichols College land a distance of sixty two and eighty five hundredths (62.85) feet to a point;

THENCE N 16 ° 15' 24" E along land of now or formerly Estate of Kathleen E. Williams a distance of one hundred forty nine and fifty one hundredths (149.51) feet to a point;

THENCE S 73 ° 20' 01" E along land of First Congregational Church of Dudley a distance of sixty and no hundredths (60.00) feet to the point of beginning.

BEING a remaining portion of Mary B. Goodell to Town of Dudley Book 2651-272.

The above-described tract contains an area of 8,396 square feet.

Together with and subject to rights, easements, restrictions of record or otherwise.

(Note: The parcel is located behind Nichols College's maintenance building and Conant Hall)

The Moderator asked for unanimous consent to dispense with the reading of the charts in Articles 14 and 15. Seeing no objection, it was so moved.

ARTICLE 14: Unanimously accepted to authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements for the West Dudley Road Bridge by permanent easements or in fee:

<u>Easement</u>	<u>Estimated Area</u>	<u>Easement Type</u>
TE – 1	42	Temporary
TE – 3	294	Temporary
TE – 4	824	Temporary
TE – 5	553	Temporary
TE-6	82	Temporary
TE-7	1,080	Temporary
TE-8	896	Temporary
TE-9	597	Temporary
TE-10	15	Temporary

1-T	622	Permanent
E-2	870	Permanent
2T	51	Permanent
3-T	974	Permanent
4-T	290	Permanent
E-1	1,934	Permanent

Further that the Selectmen may acquire these parcels, or modifications of these parcels or other required parcels thorough all legal means. This includes donation, purchase, or eminent domain.

The subject parcels are currently identified on plans drafted by Massachusetts Department of Transportation, Dated 10/30/2009 Titled “The West Dudley Road Bridge Preliminary Right of Way Plan (#604032)” and further, to raise and appropriate an amount up to \$ 5,000 to defray any associated right of way expenses connected with this project.

ARTICLE 15: Unanimously accepted to authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements for the Perryville Bridge by permanent easements or in fee:

<u>Easement</u>	<u>Estimated Area</u>	<u>Easement Type</u>
2 TE –1	2,217 Sq Ft	Temporary
2 TE –2	845 Sq Ft	Temporary
2 – W – 1	638 Sq Ft	Permanent
2 – W – 2	454 Sq Ft	Permanent

Further that the Selectmen may acquire these parcels, or modifications of these parcels or other required parcels thorough all legal means. This includes donation, purchase, or eminent domain.

The subject parcels are currently identified on plans drafted by Massachusetts Department of Transportation, Dated 4/7/2010 Titled “The Perryville Road Over French River Bridge Replacement” Bridge No. D-12-001-W –12-009 project and further, to raise and appropriate an amount up to \$ 1,500 to defray any associated right of way expenses connected with this project.

(Note: All of the easements are located on town owned tax title property)

ARTICLE 16: Unanimously accepted to amend The Town of Dudley By-Law Article XI Licenses & Permits, Section 2, by striking the Section in its entirety, as follows and to renumber the article’s sections accordingly:

~~Section 2.~~ ~~No license in any form shall be granted by the Selectmen or Licensing Board for the sale or consumption of alcoholic beverages, on town owned land or within town buildings.~~

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added underlined (i.e. with)}

ARTICLE 17: Unanimously accepted to amend The Town of Dudley By-Law Article XI Licenses & Permits, Section 3, by striking the Section in its entirety, as follows and to renumber the article's sections accordingly:

~~Section 3.~~ ~~No license or permits shall be granted to carnivals within the limits of the Town of Dudley.~~

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added underlined (i.e. with)}

ARTICLE 18: As declared by the Moderator it was Passed Over For Further Information by majority vote to amend The Town of Dudley By-law Article XXXII Personnel Policies And Procedures, Section 7 Annual Hourly Sick Leave Buy Back, by striking the words / numbers of "20%" and replacing them with the words/numbers "fifty percent (50%)" and by striking the words "not" and "except at the time of retirement" in the second to last sentence:

Section 7. Annual Hourly Sick Leave Buy-Back

Regular full-time employees may elect to have the Town buy back-unused sick time leave at the employee's accrued hourly rate of pay at the time of the request. The maximum number of days the Town will buy back in one fiscal year is 15 days at the rate of fifty percent (50%) ~~20%~~ of the accrued hourly rate except at the time of retirement. Regular part-time employees are eligible as above at the prorated basis. Exempt employees may accrue 15 days per year to a maximum of 65 days. Regular Full Time employees with over 65 days on June 30, 2005 shall retain the days saved, but may not accrue any more until their total shall fall below 65 days.

Exempt employees are ~~not~~ eligible for sick time buy back ~~except at the time of retirement~~ at fifty percent (50%) ~~20%~~ of the accrued rate.

Elected town officials are not eligible for any sick time buy back including any heretofore accrued.

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added underlined (i.e. with)}

ARTICLE 19: As declared by the Moderator it was accepted by majority vote pursuant to Massachusetts General laws Chapter 41, Section 1B "Appointed Town Offices and Boards" to have its elected "Town Clerk" become an appointed "Town Clerk" of the Town, with such appointment shall be made by the Board of Selectmen for a term of three (3) years.

The Moderator asked for unanimous consent to dispense with the reading of Article 20. Seeing no objection it was so moved.

The FAA made a motion to pass over Article 20 for further information. The motion was seconded and as declared by the Moderator was defeated by a majority vote. Selectman Paul Joseph made a motion to accept Article 20 as written; the motion was seconded.

ARTICLE 20: As declared by the Moderator it was accepted by majority vote to accept M.G.L. Chapter 59, Section 5K Senior Citizen Tax Work-off Abatement Program:

Chapter 59: Section 5K. Property tax liability reduced in exchange for volunteer services; persons over age 60

In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$750 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

ARTICLE 21: Unanimously voted to accept M.G.L. Chapter 32B: Section 20. Other Post Employment Benefits Liability Trust Fund; Local Option; Funding Schedule:

Chapter 32B Section 20. A city, town, district, county or municipal lighting plant that accepts this section may establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and a funding schedule for the fund. The schedule and any future updates shall be designed, consistent with standards

issued by the Governmental Accounting Standards Board, to reduce the unfunded actuarial liability of health care and other post-employment benefits to zero as of an actuarially acceptable period of years and to meet the normal cost of all such future benefits for which the governmental unit is obligated. The schedule and any future updates shall be: (i) developed by an actuary retained by a municipal lighting plant or any other governmental unit and triennially reviewed by the board for a municipal lighting plant or by the chief executive officer of a governmental unit; and (ii) reviewed and approved by the actuary in the public employee retirement administration commission.

The board of a municipal lighting plant or the legislative body of any other governmental unit may appropriate amounts recommended by the schedule to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. 1395w-132 may be added to and become part of the fund.

The custodian of the fund shall be: (i) a designee appointed by the board of a municipal lighting plant; or (ii) the treasurer of any other governmental unit. Funds shall be invested and reinvested by the custodian consistent with the prudent investor rule set forth in chapter 203C.

ARTICLE 22: Unanimously voted to accept M.G.L. Chapter 32B. Section 18 Contributory Group General or Blanket Insurance for persons in the service of counties, cities, towns and districts, and their dependents:

Chapter 32B Section 18. In a governmental unit which has accepted the provisions of section ten and which accepts the provisions of this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage there under at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section eleven C or section sixteen; provided, that benefits under said plan and Medicare part A and part B together shall be of comparable actuarial value to those under the retiree's existing coverage. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree, a retiree's spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for Medicare part A and part B coverage. The governmental unit shall pay any Medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan.

Planning Chairman Chris Daggett gave an oral report for Article 23.

ARTICLE 23: Unanimously accepted to change Section 2.03.02 Use Chart by District of the Zoning Bylaws of the Town of Dudley Massachusetts under the heading “Industrial” uses, in the Business-15 zone, relating to the use “Other Manufacturer Processing & Research,” (as demonstrated in ***bold italics***) “NP” to “***P***”:

ACTIVITY OR USE	DISTRICT ⁹									
	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>INDUSTRIAL</u> Other Manufacturer Processing & Research	NP	NP	NP	NP	NP	NP	P	P	P-SPR	P-SPR

change to:

ACTIVITY OR USE	DISTRICT ⁹									
	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>INDUSTRIAL</u> Other Manufacturer Processing & Research	NP	NP	NP	NP	NP	<i>P</i>	P	P	P-SPR	P-SPR

The Moderator asked Planning Chairman Chris Daggett if the Planning Board held the required public hearings on Articles 24, 25, 26, 27, 28, 29 and 30 and asked whether or not those hearings were posted properly. Chairman Daggett responded that all requirements were met.

ARTICLE 24: Unanimously accepted to change Section 2.03.03, Use Chart by District, Footnotes, Footnote 4 of the Zoning Bylaws of the Town of Dudley Massachusetts presently related only to “Industrial” uses in the Business-15 zone, Light Manufacturing:

ACTIVITY OR USE	DISTRICT ⁹									
	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>INDUSTRIAL</u> Light Manufacturing of Consumer Goods	NP	NP	NP	NP	NP	P ⁴	P	P	P-SPR	P-SPR

2.03.03 Footnotes:

4. Provided that at least 50 percent of the goods are sold at retail and that no more than 25 percent of the floor area is devoted to the manufacturing, assembling or packaging of consumer goods and no more than five (5) persons are at the premises at any one time.

to

4. **In cases where the front of the structure is less than 100' from the public way from which frontage is derived** provided that at least 50 percent of the goods are sold at retail and that no more than 25 percent of the floor area is devoted to the manufacturing, assembling or packaging of consumer goods and no more than five (5) persons are at the premises at any one time.

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**)}

ARTICLE 25: Unanimously accepted to amend Section 2.04.02, Density Requirement Table, Footnote 3 of the Zoning Bylaws of the Town of Dudley Massachusetts as follows:

	DISTRICT									
MEASUREMENT	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
Minimum Front Yard (Feet) ³	20	30	35	40	40	20	45	45	30	50

2.04.02 Footnotes

3 Front yard setback requirement shall apply to each street of a corner lot.

to

3 Front yard setback requirement shall apply to each street of a corner lot **with 60% of the zone's frontage requirement on one street in non-residentially zoned corner lots.**

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**)}

Article 26: Unanimously accepted to amend Section 4.03.02 b., Commercial and Industrial Sign Standards of the Zoning Bylaws of the Town of Dudley Massachusetts as follows:

b. ...Any such freestanding sign may be located within the front yard space, if any on such lot, but not nearer than twelve (12) feet to any roadway, side or rear lot lines, or on any public right of way. For traffic safety, no freestanding sign shall obstruct ~~sign~~ **sight** line views at intersections,

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**)}

Article 27: Unanimously accepted to amend Section 3.02.00, Flood Plain District Zoning Bylaws of the Town of Dudley Massachusetts by inserting the words “Flood Plain” or “Flood Plain District” in the following headings:

“3.02.01 District Delineation” to read “3.02.01 **Flood Plain** District Delineation”

“3.02.02 Use Regulation” to read “3.02.02 **Flood Plain District** Use Regulation”

“3.02.04 Conservation Commission Duties” to “Conservation Commission **Flood Plain District** Duties”

“3.02.05 Board of Appeals Rules and Regulations” to “Board of Appeals Rules and Regulations **as Pertaining to the Flood Plain District**”

“3.02.06 Massachusetts State Building Code **in the Flood Plain District**”

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**)}

Article 28: Unanimously accepted to amend Section 3.03.00, Home Occupations, of the Zoning Bylaws of the Town of Dudley Massachusetts as follows:

3.03.00 HOME OCCUPATIONS

Home occupations are allowed as an accessory to residential use provided:

- no non-resident employees are involved;
- not more than twenty-five (25) percent of the dwelling unit floor area existing three years prior to application shall be used to conduct the home occupation; “unit floor area is to be considered the actual floor space of the habitable area of the house”;

- there shall be no change in the outside appearance of the dwelling unit or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated;
- no home occupation shall be conducted in any accessory building;
- no traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; and

no equipment, process or activity shall be used in such home occupation which creates noise, vibration, glare, noxious odors, electrical interference or

to

Home occupations are allowed as an accessory to residential use provided:

- no non-resident employees are involved **when the home occupation is in a dwelling**;
- not more than twenty-five (25) percent of the dwelling unit floor area existing three years prior to application shall be used to conduct the home occupation; “unit floor area is to be considered the actual floor space of the habitable area of the house”;
- there shall be no change in the outside appearance of the dwelling unit **or accessory building**, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated;
- no home occupation shall be conducted in any accessory building **without a letter of special permit issued by the Zoning Board of Appeals based on unique circumstances**;
- no traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood; and
- no equipment, process or activity shall be used in such home occupation which creates noise, vibration, glare, noxious odors, electrical interference or otherwise disrupts the neighborhood’s integrity.

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**) }

Article 29: Unanimously accepted to amend Section 4.03.02 b., Commercial and Industrial Sign Standards of the Zoning Bylaws of the Town of Dudley Massachusetts by Changing the first sentence, “One (1) freestanding sign is permitted per lot where the buildings are set back ~~forty (40) feet or more.~~” to “One (1) freestanding sign is permitted per lot where the buildings are set back the *minimum front yard setback for their zone or more.*” As follows:

One (1) freestanding sign is permitted per lot where the buildings are set back **the minimum front yard setback or more for their zone** ~~forty (40) feet or more~~. The top edge of any such freestanding sign shall not be higher than twenty (20) feet vertical measure above the average level of the ground between the supports of such sign. Any such freestanding sign may be located within the front yard space, if any on such lot, but not nearer than twelve (12) feet to any roadway, side or rear lot lines, or on any public right of way. For

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**) }

The Moderator recognized Selectman Nancy Runkle who stated that there was an error in Article 30 as written in the warrant. The Town Clerk was asked to review the original petition for content. It was determined that the words **care and or hospitalization** should be stricken from the proposed definition of a Licensed Residential Animal Kennel.

Selectman Paul Joseph made a motion to amend Article 30 as written in the original petition. The motion was seconded and as declared by the Moderator it was accepted by a majority vote.

ARTICLE 30: As declared by the Moderator it was accepted as amended by majority vote to change Section 2.03.02 Use Chart by District of the Zoning Bylaws of the Town of Dudley Massachusetts under the heading “Residential,” add the use “Licensed Residential Animal Kennel” with zones permitted shown below, with the Zoning Boards of Appeal as the Special Permit Granting Authority:

	<u>DISTRICT</u>									
ACTIVITY OR USE	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>RESIDENTIAL</u> Licensed Residential Animal Kennel	SP	SP	SP	SP	SP	P	P	P	SP	SP

And change the definition of Animal Kennel or Hospital in Section 6.01.01 of the Zoning Bylaws of the Town of Dudley Massachusetts:

Animal Kennel or Hospital – A structure used for the harboring, care and or hospitalization of more than three dogs, cats or other animals that are more than six months old, ~~whether~~ operated for commercial ~~or pleasure~~ purposes.

And by adding the definition of “Licensed Residential Animal Kennel: to section 6.01.01 of the Zoning Bylaws of the Town of Dudley Massachusetts:

Licensed Residential Animal Kennel: A structure used for the harboring of more than three dogs, cats or other animals that are more than six months old operated for pleasure purposes.

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. **with**) }

The Moderator asked for unanimous consent to dispense with the reading of Article 31. Seeing no objection it was so moved.

The FAA recommended that Article 31 be accepted as written.

The Moderator recognized Jim Conrad, Chairman of the Dudley Historical District Study Committee to speak on Article 31.

Planning Board Chairman Chris Daggett stated that at the Planning Board's public hearing the Board voted 3-0 to pass Article 31 over for further information.

Selectmen Paul Joseph stated that the Board of Selectmen voted 4-1 to accept Article 31.

Jo-Ann Szymczak, Anthony B. DiDonato Sr., Michael Branniff, William Trifone and other residents spoke in favor of establishing a Historical District and the benefits to the community.

Nancy Dube, Daniel O'Connor and other residents spoke against establishing a Historical District.

The Moderator called for a vote. The Moderator was in doubt of the results and called for a standing count. The results were Yes: 36 / No: 33

The Moderator declared that Article 31 was accepted by majority vote.

The following day, May 25, 2010, the Town Clerk placed a phone call to the Municipal Division of the Attorney General's office and confirmed that in accordance with MGL Chapter 40C, Section 3, a 2/3 majority vote is required to accept a Historical District. The results of the standing vote failed to meet the 2/3 vote required and therefore failed.

ARTICLE 31: As set forth in MGL Chapter 40C, Section 3 that a Historical District by-law must be adopted by a 2/3 vote and after a standing count result of 36 Yes votes and 33 No votes the motion to accept M.G.L. Chapter 40C Historic Districts was defeated.

DUDLEY HISTORIC DISTRICT BYLAW

The Town of Dudley hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Dudley, the maintenance and improvement of their settings and encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

As used in this Bylaw the following terms shall have the following meaning;

Activity:

Shall mean any form of construction, reconstruction, alteration, or expansion of any building or structure within the historic district resulting or potentially resulting in change of exterior architectural feature.

Alteration, to alter

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

Applicant:

Shall mean any person who files an application for a Certificate of Appropriateness, Certificate of Non- Applicability, or Certificate of Hardship, or one for who said forms are filed.

Area subject to protection under the ordinance:

Shall mean the historic district area(s) specified in this by law.

Building

A combination of materials forming a shelter for persons, animals or property.

Certificates

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

Conditions:

Shall mean those statements and regulations set forth in a written Certificate issued by the Dudley Historic District Commission for the purpose of regulating or prohibiting any activity.

Commission:

Shall mean the body of members lawfully appointed pursuant to Massachusetts General Laws, Chapter 40C, acting as the Dudley Historic District Commission.

Construction, to construct

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

Display area

The total surface of the area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the sign. The display area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the display area shall be defined as the area of one face of the sign.

District

The Local Historic District(s) as established in this Bylaw consisting of one or more DISTRICT areas. *(Listed in Appendix 13 of this Bylaw)*

Exterior architectural feature

Such portion of the exterior of a building or structure as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

Person aggrieved

The applicant; an owner of adjoining property; an owner of property within the same district area; an owner of property within 100 feet of said district area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts.

Sign

Any symbol, design or device used to identify or advertised any place of business, product, activity or person.

Structure

A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk or driveway.

Temporary structure or building

A building not to be in existence for a period of more than two years. A structure not to be in existence for a period of more than one year. The commission may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The district shall consist of one or more district areas as listed in section 13 (Appendices) of this Bylaw.

4. COMMISSION

4.1 The district shall be overseen by a commission consisting of seven members, to be appointed by the Board of Selectmen, three members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 Of its seven members the commission shall include, if possible; one member from two nominees solicited from the Dudley Historical Commission; one member from two nominees solicited from the chapter of the American Institute of Architects covering Dudley, if one is not available then a person with construction background will be appointed in his or her place; one member from two nominees of the Board of Realtors covering Dudley; and one property owner from within each district area. Remaining positions will be filled at large with priority given to property owners within the district(s). If within thirty days after submission of a written request for nominees, any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 The Board of Selectmen may appoint up to four alternate members to the commission. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for the terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Meetings of the commission shall be held at the call of the Chairman, at the request of two members and in such other manner at the commission shall determine in its rules and regulations.

4.6 Four members of the commission shall constitute a quorum.

5 COMMISSION POWERS AND DUTIES

5.1 The commission shall exercise its powers in administering and regulating the construction and alteration of any structures or buildings within the district as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the commission shall pay due regard to the distinctive characteristics of each building, structure and district area.

5.2 The commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G. L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the content and form of applications for certificates, fees, hearing procedures and other matters. The commission shall file a copy of such Rules and Regulations with the office of the Town Clerk.

5.3 The commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain exterior architectural features which are, in general, suitable for the issuance of a certificate. No such design guidelines shall limit the right of an applicant for a certificate to present other designs to the commission for approval.

5.4 The commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such elections with the office of the Town Clerk.

5.5 The commission shall keep permanent records of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a district.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no building or structure or part thereof within a district shall be constructed or altered in any way that affects the exterior architectural features as visible from a public way, unless the commission shall first have issued a certificate with respect to such construction or alteration.

6.2 No building permit for construction of a building or structure or for alteration of an exterior architectural feature within a district and no demolition permit for demolition or removal of a building or structure within a district shall be issued by the Town or any department thereof until the certificate as required under this Bylaw has been issued by the commission.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a certificate from the commission shall file with the commission an application for a Certificate of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, included in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

7.2 The commission shall determine within fourteen (14) days of the filing of an application for a certificate whether said application involves any exterior architectural features which are within the jurisdiction of the commission.

7.3 If the commission determines that an application for a certificate does not involve any exterior architectural features, or involves an exterior architectural feature which is not subject to review by the commission under the provisions of this Bylaw, the commission shall forthwith issue a certificate of Non-Applicability.

7.4 If the commission determines that such application involves any exterior architectural feature subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The commission shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Dudley. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the commission to be materially affected thereby, all as they appear on the most recent

applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and such other persons as the commission shall deem entitled to notice.

7.4.1 A public hearing on an application for a certificate need not be held if such a hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a certificate may be waived by the commission if the commission determines that the exterior architectural feature involved, or its category, is so insubstantial in its effect on the district that it may be reviewed by the commission without a public hearing. If the commission dispenses with a public hearing on an application for a certificate, notice of such application shall be given to the owners of all adjoining property and of other properties deemed by the commission to be materially affected thereby as above provided, and ten (10) days shall lapse after the mailing of such notice before the commission may act on such application.

7.5 Within sixty (60) days after the filing of an application for a certificate, or within such further time as the applicant may allow in writing, the commission shall issue a certificate or a disapproval. In case of a disapproval of an application for a certificate, the commission shall set forth in its disapproval the reasons for such disapproval. The commission may include in its decisions specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangements, texture, material and similar features which, if made and filed with the commission in a subsequent application, would make the application acceptable to the commission.

7.6 The concurrent vote of a majority of the members shall be required to issue a certificate.

7.7 In issuing certificates, the commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the commission determines that the construction or alteration for which an application for a Certificate of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the district, the commission shall issue a Certificate of Appropriateness.

7.9 If the construction or alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship, financial, economic or otherwise, to the applicant when the application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this

Bylaw. If the commission determines that owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and an approval thereof may be made without such substantial detriment or derogation, the commission shall issue a Certificate of Hardship.

7.10 The commission shall send a copy of its certificates and disapprovals to the applicant and shall file a copy of its certificate and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a certificate or disapproval shall be the date of the filing of a copy of such certificate or disapproval with the office of the Town Clerk.

7.11 If the commission should fail to issue a certificate or a disapproval within sixty (60) days of the filing of the application for a certificate, or within such further time as the applicant may allow in writing, the commission shall thereupon issue a Certificate of Hardship Due to Failure to Act.

7.12 Each certificate issued by the commission shall be dated and signed by its chairman or such other person designated by the commission to sign such certificates on its behalf.

7.13 A person aggrieved by a determination of the commission may, within twenty (20) days of the issuance of a certificate or disapproval, file a written request with the commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the Superior Court as provided in Chapter 40C, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR THE DETERMINATIONS

8.1 In deliberating on applications for certificates, the commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure; the general design, proportions, detailing mass, arrangement, texture, and material of the exterior architectural features involved; and the relation of such exterior architectural features to similar features of the building and structures in the surrounding area.

8.2 In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the scale, shape and proportions of the building or structure both in relation to land area upon which the building or structure

is situated in relation to buildings and structures in the vicinity. The commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or Bylaw.

8.3 When ruling on applications for certificates on solar energy systems as defined in section 1A of Chapter 40A, the commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The commission shall not consider interior arrangements or architectural features not subject to the public view from a public way.

9. EXCLUSIONS

9.1 The commission shall exclude from its purview the following;

9.1.1 Temporary buildings, structures or signs, subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the commission may reasonably specify.

9.1.2 Terraces, walks, driveways, sidewalks and similar structures, provided that any such structure is substantially at grade level.

9.1.3 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.1.5 The color of materials used on roofs.

9.1.6 Signs of not more than one square foot of display area in connection with the use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly. Signs of a temporary nature such as "For Sale" signs, "For Rent" signs, contractor's signs, and political signs.

9.1.7 The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the commission shall issue a Certificate of Non-Applicability with respect and construction or alterations in any category not subject to review by the commission in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within a district which does not involve a change in design, material or outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The commission may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Dudley, that certain categories of exterior architectural features, structures or buildings under certain conditions may be constructed or altered without review by the commission without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The commission shall determine whether a particular activity is in violation of this Bylaw or not, and the commission shall be charged with the enforcement of this Bylaw.

11.2 The commission, upon written complaint of any resident of Dudley, or owner of property within Dudley, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Dudley to prevent, correct, restrain or abate violations of this Bylaw. In the case where the commission is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the commission declines to act, the commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such requests.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$300.00 for each offense. Each day during any portion of which such violation continued to exist constitute a separate offense.

11.4 The commission may designate the Building Commissioner of the Town of Dudley to act on its behalf and to enforce this Bylaw under the direction of the commission.

12 VALIDITY AND SEPARABILITY

The provision of this bylaws shall be deemed separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

Stevens Mill District

The Stevens Mill District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Stevens Mill Local Historic District are defined and shown on the Local Historic District Map of the Town of Dudley, Sheet 1-2010, which is part of this Bylaw. Sheet 1 is based on the Town of Dudley Assessor's Tax Maps, Revised, Jan. 1, 2009. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

INVENTORY FORMS (To follow on next pages.)

34 W. Main St.
1 Village St.
3 Village St.
5 Village St.
7 Village St.
3 Curfew Ln
1 Curfew Ln
8 Mill St.
9 Mill St.
10 Mill St.
16 Village St.
14 Village St.
12 Village St.
10 Village St

The Moderator asked both the Board of Selectmen and the Planning Board if they had done their required lay of the road prior to the meeting; both Boards responded that they had not. The Moderator informed the voters that MGL is very specific about the detailed process necessary to accept a public road. Because certain steps had not been taken, the Moderator ruled Article 32 out of order.

Article 32: As declared by the Moderator it was declared Out of Order to see if the Town will vote pursuant to MGL c. 82, s. 21 to accept **Dave's Way** in the Dudley Hill Estates Subdivision as a public way including road surface, taking, and infrastructure, from the granite bounds set at the edge of West Main Street Route 197 for a length of approximately One-Thousand-Twelve (1,012.39) feet more or less, with a variable width of Fifty (50) feet to Eighty (80) feet totaling 75,179 square feet, more or less, as shown on a plan on file at the Planning Office and recorded at the Worcester District Registry of Deeds entitled "Definitive Plan of Dudley Hill Estates" owned by Szeredy Builders, Inc., dated December 16, 1987, recorded Worcester Register Deeds Plan Book 600, Plan 49, and related easements as follow: Through a portion of Lots 12R and 13 RR Plan Book 631 Plan 58; On the south side of Lot 20, Plan Book 600 Plan 49; On the north line of Lot 19, Plan Book 600 Plan 49; On the south line of Lot 18, Plan Book 600 Plan 49; contingent upon the Town's receipt of a favorable letter from the Highway Superintendent and the Consulting Town Engineer, and further that the Selectmen be authorized to accept the deed to the Town of the said way.

(Note: The Planning Board voted on 3/24/10 to recommend to the Board of Selectmen that Dave's Way be accepted. Please See Appendix "C").

ARTICLE 33: Passed Over For Further Information by unanimous vote to raise, appropriate, borrow or transfer from available funds the sum of One Hundred Thousand Dollars (\$ 100,000) for the purpose of adding to the Stabilization Fund in accordance with the provisions of MGL Chapter 40 Section 5B and to determine if the money should be raised by taxation or by appropriation from available funds in the Treasury.

May 24, 2010: Selectman Paul Joseph made a motion to adjourn; FAA member Brian McCoy seconded the motion. It was unanimously accepted to adjourn.

Brought to order at 7:10 p.m.

Adjourned at 9:45 p.m.

Voters Present: 115

Action Taken on Articles: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32

A True Copy.

Attest: _____
Ora E. Finn, Dudley Town Clerk